

unlawful; making certain exclusions; providing for the proper marking of packages, parcels and containers of vegetables shipped in and/or from the State of Texas; providing that the application of the provisions of this Act shall be optional to counties within this State and providing for the exercise of such option; providing for the suspension of this Act in counties wherein adopted and the procedure therefor; providing penalties for violations of this Act; making this Act cumulative of all laws now on the statutes of the State of Texas; repealing all statutes or parts of statutes directly in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 81, Urging the Department of Agriculture to desist from the sale of certain mortgaged property at public auction.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 835, "An Act to amend Subsection 8 of Article 199 of the Revised Civil Statutes of Texas of 1925; and providing an effective date."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 from the Governor's office.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 474, "An Act to fix the salary of the County Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, five hundred (22,500); all counties having a population of not less than forty-one thousand and fifty (41,050) and not more than forty-two thousand, one hundred (42,100); all counties having a population of not less than twenty-two thousand, six hundred (22,600) and not more than twenty-two thousand, eight hundred (22,800); all counties having a population of not less than fourteen thousand, five hundred and fifty (14,550) and not more than fourteen thousand, eight hundred (14,800); and in all counties having a population of not less than eleven thousand and twenty-one (11,021) and not more than eleven thousand and fifty (11,050), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO THE GOVERNOR

April 4, 1939

House Bill No. 835.

House Bill No. 474.

House Concurrent Resolution No. 80.

FORTY-NINTH DAY

(Wednesday, April 5, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bell
Allen	Blankenship
Allison	Bond
Alsup	Boyd
Bailey	Boyer
Baker	Bradbury
of Fort Bend	Bradford
Baker of Grayson	Bray

Bridgers	Leonard
Broadfoot	Little
Brown of Cherokee	Lock
Brown	Loggins
of Nacogdoches	London
Bundy	Mays
Burkett	McAlister
Burney	McDaniel
Celaya	McDonald
Chambers	McFarland
Clark	McMurry
Cleveland	McNamara
Cockrell	Mohrmann
Coleman	Monkhouse
Colquitt	Montgomery
Colson, Mrs.	Morris
Cornett	Newell
Corry	Nicholson
Crossley	Oliver
Daniel	Pace
Davis of Jasper	Petsch
Davis of Upshur	Pevehouse
Derden	Piner
Dickison	Pope
Dickson	Ragsdale
Donaghey	Reader of Bexar
Dwyer	Reader of Erath
Faulkner	Reaves
Felty	Reed
Ferguson	Rhodes
Fielden	Riviere
Fuchs	Roach
Galbreath	Roberts
Gilmer	Robinson
Goodman	Russell
Gordon, Mrs.	Schuenemann
Hale	Segrist
Hamilton	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harrell of Bastrop	Spencer
Harrell of Lamar	Stinson
Hartzog	Stoll
Heflin	Talbert
Holland	Tarwater
Howard	Taylor
Howington	Tennant
Hull	Thornberry
Hunt	Thornton
Isaacks	Turner
Johnson of Ellis	Vale
Johnson of Tarrant	Vint
Keith	Voigt
Kennedy	Waggoner
Kern	Weldon
Kerr	Westbrook
Kersey	White
Kinard	Wilson
King	Winfree
Langdon	Wood
Lehman	Wright

Absent

Anderson Dean

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, Thy bountiful blessings have brought serious problems to our State and our Nation. The distribution of our abundance has become one of our chief tasks. As we undertake to do our part in meeting the needs of the old and the unfortunate, do Thou lead us in wisdom's ways and impart to us a spirit of earnest cooperation. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Leyendecker for today, on motion of Mr. Holland.

The following Member was granted leave of absence on account of illness:

Mr. Cauthorn for today, on account of illness in his family, on motion of Mr. Thornton.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Bradbury:

H. B. No. 938, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot or kill any deer and/or wild turkey for a period of three (3) years in Taylor County, Texas; fixing penalties, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Hankamer asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 939.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Hankamer:

H. B. No. 939, A bill to be entitled "An Act amending Article 6625 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Article 6625a providing for the recording of certified copies of instruments effecting real estate which have been previously filed for record without the State of Texas or in counties other than those in which such real estate is located, and declaring an emergency."

Referred to the Committee on Judiciary.

MOTIONS TO RE-REFER

Mr. King moved that House Bill No. 94 be withdrawn from the Committee on Highways and Motor Traffic, and referred to the Committee on Revenue and Taxation.

Mr. Keith moved to table the motion to re-refer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—62

Allen	McFarland
Alsup	McMurry
Baker of Grayson	McNamara
Blankenship	Montgomery
Boyd	Morris
Boyer	Nicholson
Bray	Pace
Cleveland	Pevehouse
Daniel	Reed
Davis of Jasper	Rhodes
Dickison	Riviere
Dickson	Roach
Donaghey	Roberts
Faulkner	Robinson
Fuchs	Russell
Hamilton	Schuenemann
Hankamer	Shell
Harper	Stinson
Harrell of Lamar	Stoll
Hartzog	Talbert
Heflin	Tennant
Johnson of Tarrant	Thornberry
Keith	Thornton
Kennedy	Turner
Kerr	Vint
Kinard	Voigt
Langdon	Waggoner
Lehman	White
McAlister	Wilson
McDaniel	Winfree
McDonald	Wood

Nays—52

Allison	Howington
Bailey	Hunt
Baker	Johnson of Ellis
of Fort Bend	Kern
Bell	Kersey
Bradbury	King
Bradford	Leonard
Brown	Little
of Nacogdoches	Lock
Bundy	Loggins
Burney	Mohrmann
Celaya	Monkhouse
Chambers	Newell
Clark	Petsch
Cockrell	Piner
Coleman	Ragsdale
Cornett	Reader of Bexar
Corry	Reader of Erath
Crossley	Skiles
Felty	Smith of Frio
Ferguson	Spencer
Galbreath	Tarwater
Gilmer	Taylor
Goodman	Vale
Gordon, Mrs.	Weldon
Hardeman	Westbrook
Harrell of Bastrop	Wright

Present—Not Voting

Davis of Upshur

Absent

Anderson	Harp
Bond	Holland
Bridgers	Howard
Broadfoot	Hull
Brown of Cherokee	Isaacks
Burkett	London
Colquitt	Mays
Colson, Mrs.	Oliver
Dean	Pope
Derden	Reaves
Dwyer	Segrist
Fielden	Smith of Hopkins
Hale	Smith
Hardin	of Matagorda

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

PAIRED

Mr. Hale (present), who would vote "yea", with Mr. Worley (absent), who would vote "nay".

Mr. Derden (present), who would vote "yea", with Mr. Harris (absent), who would vote "nay".

Mr. Ragsdale moved that House Bill No. 578 be withdrawn from the

Committee on State Affairs, and referred to the Committee on Agriculture.

Question recurring on the motion by Mr. Ragsdale, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—56

Allen	Heflin
Allison	Howard
Bailey	Hunt
Baker	Isaacks
of Fort Bend	Kennedy
Baker of Grayson	Kern
Blankenship	Kerr
Boyer	Kersey
Brown	Lehman
of Nacogdoches	Lock
Bundy	Loggins
Burkett	Newell
Burney	Oliver
Chambers	Petsch
Cockrell	Pevehouse
Coleman	Ragsdale
Cornett	Reader of Bexar
Corry	Reader of Erath
Crossley	Rhodes
Daniel	Riviere
Davis of Upshur	Roach
Faulkner	Roberts
Ferguson	Smith of Frio
Fuchs	Spencer
Galbreath	Stoll
Hale	Weldon
Hardin	Westbrook
Harrell of Bastrop	Wood
Harrell of Lamar	Wright

Nays—60

Alsop	Howington
Bell	Johnson of Tarrant
Boyd	Keith
Bradford	Kinard
Bray	Langdon
Clark	Leonard
Cleveland	McAlister
Colquitt	McDaniel
Colson, Mrs.	McDonald
Davis of Jasper	McFarland
Derden	McMurry
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Montgomery
Dwyer	Morris
Gilmer	Pace
Gordon, Mrs.	Pope
Hamilton	Reed
Hankamer	Robinson
Hardeman	Russell
Harp	Schuenemann
Harper	Shell
Holland	Skiles

Smith of Hopkins	Turner
Stinson	Vint
Tarwater	Voigt
Taylor	Waggoner
Tennant	White
Thornberry	Wilson
Thornton	Winfree

Absent

Anderson	King
Bond	Little
Bradbury	London
Bridgers	Mays
Broadfoot	Monkhouse
Brown of Cherokee	Nicholson
Celaya	Piner
Dean	Reaves
Felty	Segrist
Fielden	Smith
Goodman	of Matagorda
Hartzog	Talbert
Hull	Vale
Johnson of Ellis	

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

BILLS RE-REFERRED

Mr. Piner moved that House Bill No. 489 be withdrawn from the Committee on Insurance, and referred to the Committee on Labor.

Mr. Montgomery moved to table the motion to re-refer.

The motion to table was lost.

Question then recurring on the motion to re-refer, it prevailed.

Mr. Colquitt raised the point of order, that a motion to re-refer is a suspension of the Rules and therefore takes a two-thirds vote.

The Speaker overruled the point of order.

Mr. Hardin moved that Senate Bill No. 9 be withdrawn from the Committee on Appropriations, and referred to the Committee on State Affairs.

The motion prevailed.

BILL ORDERED NOT PRINTED

On motion of Mr. Keith, Senate Bill No. 70 was ordered not printed.

RELATIVE TO PROVIDING A LEGISLATIVE COUNCIL SYSTEM IN TEXAS

Mr. Leonard offered the following resolution:

H. S. R. No. 206, Relative to pro-

viding a Legislative Council System in Texas.

Whereas, It is the desire of the Members of the House of Representatives to effect and bring about a more economical era, system and administration of the State Government; and

Whereas, A number of the Legislatures of the various other States, with the same view in mind, have adopted what is known as a Legislative Council; and

Whereas, It is reported from all States which have provided for such Legislative Councils that not only has a tremendous saving been effected to the State thereby, but further, better legislation has been enacted in a much shorter time than is necessary in States not having such a Council; and

Whereas, Our neighboring State of Oklahoma has just provided for such a Council by an overwhelming vote of both House and Senate; and

Whereas, It would be advantageous to the Texas House of Representatives to have the complete details and facts concerning such a Council; and

Whereas, Such details, facts, and information could be obtained by allowing the Speaker of the House to appoint two (2) Members to go to Oklahoma City immediately to make a study of, and report back to the House, the advisability of adopting such a Legislative Council; now, therefore, be it

Resolved by the House of Representatives, That the Speaker be and he is hereby empowered to appoint two (2) Members of the House to go immediately to Oklahoma City to thoroughly investigate and bring back to the House a detailed report on the advisability of providing a Legislative Council System in Texas; and, be it further

Resolved, That all of the expenses incurred by this resolution be paid out of the Contingent Expense Fund of the House on sworn affidavit of the Members of their actual expenses, but that in no event shall said sum exceed One Hundred (\$100.00) Dollars for each Member. Be it further

Resolved, That all such expenses be approved by the Speaker of the House and the Chairman of the Contingent Expense Committee.

The resolution was read second time.

On motion of Mr. Bradbury, the resolution was referred to the Committee on Contingent Expenses.

RELATIVE TO REDUCTION OF EMPLOYEES

Mr. Alsup offered the following resolution:

H. S. R. No. 207, Relative to reduction of employees.

Whereas, Most of the committees considering legislation during this Session of the Legislature have completed their labors; and

Whereas, For the remainder of the Session of the House of Representatives will be in session most of the time, thereby making it possible for the House to eliminate unnecessary employees; now, therefore, be it

Resolved by the House of Representatives, That the Speaker is authorized by this resolution to immediately reduce the employees of the House to a minimum; and be it further

Resolved, That on and after the passing of this resolution the Speaker shall immediately take the necessary steps to reduce the expenditures of this Session of the Legislature in any manner which he may deem expedient.

The resolution was read second time.

Mr. Davis of Upshur moved that the resolution be referred to the Committee on Contingent Expenses.

Mr. Fielden moved, as a substitute motion, that the resolution be referred to the Committee on Appropriations.

Mr. Alsup moved to table the substitute motion by Mr. Fielden.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Allen	Clark
Allison	Colson, Mrs.
Alsup	Cornett
Baker	Corry
of Fort Bend	Crossley
Boyer	Davis of Jasper
Bradbury	Derden
Bradford	Donaghey
Brown of Cherokee	Faulkner
Brown	Fuchs
of Nacogdoches	Galbreath
Bundy	Gilmer
Burkett	Gordon, Mrs.
Chambers	Hamilton

Hardin	Petsch
Harp	Piner
Howington	Reaves
Hull	Reed
Hunt	Rhodes
Isaacks	Roach
Johnson of Ellis	Roberts
Keith	Segrist
Kennedy	Skiles
Kern	Spencer
Kerr	Stoll
Lehman	Tarwater
Little	Taylor
London	Thornton
McAlister	Vale
McDonald	Vint
Mohrmann	Voigt
Montgomery	Waggoner
Morris	Westbrook
Newell	Wilson
Nicholson	Wood
Oliver	Wright

Nays—53

Bailey	Langdon
Baker of Grayson	Lock
Bell	Loggins
Blankenship	McDaniel
Bond	McMurry
Boyd	McNamara
Bray	Monkhouse
Broadfoot	Pace
Burney	Pevehouse
Cleveland	Pope
Cockrell	Reader of Erath
Coleman	Riviere
Colquitt	Robinson
Daniel	Russell
Davis of Upshur	Schuenemann
Dickson	Shell
Dickson	Smith of Frio
Dwyer	Smith of Hopkins
Ferguson	Smith
Fielden	of Matagorda
Hale	Stinson
Harper	Tennant
Harrell of Bastrop	Thornberry
Harrell of Lamar	Turner
Heflin	Weldon
Howard	White
Kinard	Winfree

Absent

Anderson	Johnson of Tarrant
Bridgers	Kersey
Celaya	King
Dean	Leonard
Felty	Mays
Goodman	McFarland
Hankamer	Ragsdale
Hardeman	Reader of Bexar
Hartzog	Talbert
Holland	

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

Mr. Alsup moved to table the motion by Mr. Davis of Upshur.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57

Allen	Little
Allison	Mays
Alsup	McAlister
Baker	McDaniel
of Fort Bend	McDonald
Bond	Monkhouse
Boyer	Nicholson
Bradford	Oliver
Broadfoot	Pope
Bundy	Reader of Erath
Burkett	Reaves
Chambers	Rhodes
Clark	Roach
Colson, Mrs.	Roberts
Cornett	Segrist
Corry	Smith
Derden	of Matagorda
Faulkner	Spencer
Fuchs	Stoll
Gordon, Mrs.	Tarwater
Hankamer	Taylor
Harp	Thornton
Harrell of Bastrop	Vale
Howington	Vint
Hull	Voigt
Isaacks	Waggoner
Kennedy	White
Kern	Wilson
Kerr	Wood
Lehman	

Nays—69

Bailey	Dickson
Baker of Grayson	Dickson
Bell	Donaghey
Blankenship	Dwyer
Boyd	Ferguson
Bradbury	Fielden
Bray	Galbreath
Brown of Cherokee	Gilmer
Brown	Goodman
of Nacogdoches	Hale
Burney	Hamilton
Cleveland	Hardeman
Coleman	Hardin
Colquitt	Harrell of Lamar
Crossley	Heflin
Daniel	Howard
Davis of Jasper	Hunt
Davis of Upshur	Johnson of Ellis

Keith	Ragsdale
Kersey	Reed
Kinard	Riviere
Langdon	Robinson
Lock	Russell
Loggins	Schuenemann
London	Skiles
McFarland	Smith of Frio
McMurry	Smith of Hopkins
McNamara	Stinson
Mohrmann	Tennant
Montgomery	Thornberry
Morris	Turner
Pace	Weldon
Petsch	Westbrook
Pevehouse	Winfree
Piner	Wright

Present—Not Voting

Cockrell

Absent

Anderson	Johnson of Tarrant
Bridgers	King
Celaya	Leonard
Dean	Newell
Felty	Reader of Bexar
Harper	Shell
Hartzog	Talbert
Holland	

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

Question recurring on the motion to refer the resolution to the Committee on Contingent Expenses, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—65

Baker of Grayson	Gilmer
Bell	Goodman
Blankenship	Hale
Boyd	Hardeman
Boyer	Hardin
Bray	Harp
Brown of Cherokee	Harper
Burney	Harrell of Lamar
Cleveland	Heflin
Cockrell	Howard
Coleman	Johnson of Ellis
Daniel	Johnson of Tarrant
Davis of Upshur	Kerr
Dickison	Kersey
Dickson	Kinard
Donaghey	King
Dwyer	Langdon
Faulkner	Lehman
Ferguson	Lock
Fuchs	Loggins

London	Smith of Frio
Mays	Smith of Hopkins
McDaniel	Smith
McMurry	of Matagorda
McNamara	Stinson
Mohrmann	Talbert
Montgomery	Tarwater
Morris	Tennant
Pace	Turner
Piner	Weldon
Ragsdale	Westbrook
Reed	White
Rhodes	Winfree

Nays—66

Allen	Kern
Allison	Leonard
Alsup	Little
Bailey	McAlister
Baker	McDonald
of Fort Bend	McFarland
Bond	Monkhouse
Bradbury	Newell
Bradford	Nicholson
Bridgers	Oliver
Broadfoot	Pevehouse
Brown	Pope
of Nacogdoches	Reader of Erath
Bundy	Reaves
Burkett	Riviere
Chambers	Roach
Clark	Roberts
Colquitt	Robinson
Colson, Mrs.	Russell
Cornett	Schuenemann
Corry	Segrist
Crossley	Shell
Davis of Jasper	Skiles
Derden	Spencer
Fielden	Stoll
Galbreath	Taylor
Gordon, Mrs.	Thornton
Hamilton	Vale
Hankamer	Vint
Harrell of Bastrop	Voigt
Howington	Waggoner
Hull	Wilson
Hunt	Wood
Kennedy	Wright

Absent

Anderson	Isaacks
Celaya	Keith
Dean	Petsch
Felty	Reader of Bexar
Hartzog	Thornberry
Holland	

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

Question—Shall the resolution be adopted?

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 18, To grant John Bagwell permission to sue the State.

Whereas, The State of Texas, by and through the State Highway Commission constructed what is known as State Highway No. 37, which runs between the towns of Mount Vernon, Franklin County, Texas, and Bogata, Red River County, Texas; and

Whereas, Mr. John Bagwell owns property adjacent to this highway which it is alleged has been materially damaged as a result of the construction of this highway; now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Texas, concurring, that Mr. John Bagwell and wife are hereby granted permission to bring suit against the State of Texas and the State Highway Commission of Texas for the purpose of determining the compensation or damages, if any, the said John Bagwell and wife are entitled to recover by reason of the premises above set forth said suit can be tried.

That said suit shall be tried according to the same rules of law and procedure as to liability that would be applicable and available if such suit were brought against any private corporation under the same facts and circumstances as provided by the laws of this State. It is further provided that any service of any process that may be necessary may be served upon the Chairman of the State Highway Commission or the Attorney General of Texas, who has answered for said defendants.

It is further ordered that if the plaintiffs in said suit shall recover a final judgment, that same shall be paid out of the State Highway funds. The venue of this suit shall be in Franklin County.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

TO EXPRESS APPRECIATION OF MEMBERS OF THE HOUSE

Mr. Howard offered the following resolution:

H. S. R. No. 208, To express appreciation of Members of the House.

Whereas, Hon. Elliott Roosevelt, President of the Texas State Network, has advised the House of Representatives through its Speaker, that he has set aside two quarter hour periods per week on his network, to be known as a Legislative Forum; and

Whereas, This time is to be available for legislators and other State officials for discussion of problems pertinent to State affairs; and

Whereas, In making this offer, Mr. Roosevelt is making it possible for the citizens of the State to hear first-hand and impartially, the problems that confronts the lawmaking body as well as the other branches of government; and

Whereas, It is a generous offer on the part of Mr. Roosevelt in his desire to acquaint the citizenship with all phases of governmental problems and his feeling that a frank discussion will inform those who are not well informed on State affairs and public matters; now, therefore, be it

Resolved by the House of Representatives, That the Hon. Elliott Roosevelt be thanked for this generous offer, and regardless of whether the offer is accepted or rejected by this House, we desire to thank the Honorable Gentleman for being so courteous to the House of Representatives of the State of Texas, and that a copy of this resolution be forwarded him by the Chief Clerk as an expression of appreciation of the offer.

HOWARD,
BOND,
READER of Bexar,
SMITH of Hopkins.

The resolution was read second time.

Mr. Thornton raised a point of order, on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

SENATE BILL NO. 135 ON PAS- SAGE TO THIRD READING

The Speaker laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 135, A bill to be entitled "An Act further regulating all life, health and accident assessment insurance companies or associations or burial societies, repealing conflicting

laws, authorizing the Board of Insurance Commissioners to limit the use of names, and to pass upon the worthiness of officers; requiring bonds of all employees having access to moneys; requiring deposits and limiting advertisements thereof; providing for keeping rosters and records of clubs, classes or groups, and prohibiting transfer of members, classes of groups to other associations or to other classes or groups without the approval of the Board; requiring the keeping of adequate records satisfactory to the Board; prescribing the contents and form of applications and certificates, and renewal thereof, and declaring an emergency."

The bill having heretofore been read second time, with committee amendment by Mr. Heflin, pending.

Mr. Hardin offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 135, by striking out Section 23, and inserting in lieu thereof, the following:

"Section 23. Burial Associations. Any licensed undertaker who has been operating as such in this State for two (2) years next preceding such organization, may organize an association to be known as 'Burial Association'. Such burial association shall be organized under the provisions of Chapter 274, Acts of the Forty-first Legislature, and amendments thereto, as well as the provisions of this Act, and shall comply with Chapter 274, Acts of the Forty-first Legislature and amendments thereto, as well as the provisions of this Act.

Provided, that such burial associations shall issue no policy in excess of One Hundred and Fifty (\$150.00) Dollars in service and benefits, and shall confine its operations to a territory embraced within a radius of fifty (50) miles of its home office."

HARDIN,
BOND.

The amendment was adopted.

(Mr. Hartzog in the Chair.)

Mr. Bond offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 135, by striking out Section 24, and inserting in lieu thereof, the following:

"Section 24. Benefits Payable in Merchandise and Service. Such burial associations shall pay their benefits in service and merchandise, subject to the provisions of this Act.

Each burial association certificate or policy shall provide that if the holder thereof established his residence more than fifty (50) miles from the home office of the association, his policy or certificate shall become void, but that he shall be entitled to demand and receive from such association in cash, one half of all premiums and assessments theretofore paid by him on such policy or certificate.

Each burial association certificate shall further specifically provide the maximum costs of the services and benefits agreed to be furnished thereunder, and in no event shall such services and charges exceed the following amounts:

(A). Twenty-five (\$25.00) Dollars for preparing body for burial, including embalming, if desired.

(B). Ten (\$10.00) Dollars for lining and filling grave, use of tent, chairs and grave equipment.

(C). Twenty-five (\$25.00) Dollars for use of hearse.

(D). Actual cost of printing funeral notices.

(E). The actual retail price in that vicinity for shrouds, clothing, casket and other burial supplies, and which price in no event shall exceed the usual and customary retail cash price charged to customers who are not members of the association, or to the public generally. It being the intent of this Section to make it unlawful for burial associations to pad or increase prices of articles or services furnished its members over the prices paid by the general public for the same or similar services or supplies.

Section 24-a. No person, firm, corporation or association shall pay or promise to pay cash, merchandise, service or anything else of value upon the death or disability of any person, except under the provision of this Act, or some insurance law of this State."

BOND,
HARDIN.

(Speaker in the Chair.)

(Mr. Morris in the Chair.)

Mr. Baker of Fort Bend moved to table the amendment by Mr. Bond.

(Speaker in the Chair.)

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 64; Nays, 57.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—62

Allen	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Bradbury	Leonard
Bradford	Lock
Bray	Mays
Bridgers	McAlister
Bundy	McDaniel
Burkett	Mohrmann
Chambers	Montgomery
Clark	Piner
Cleveland	Reader of Erath
Cockrell	Rhodes
Colquitt	Roach
Crossley	Roberts
Donaghey	Robinson
Faulkner	Russell
Fielden	Skiles
Gilmer	Smith of Hopkins
Gordon, Mrs.	Smith
Hale	of Matagorda
Hamilton	Stoll
Harper	Talbert
Hartzog	Tarwater
Holland	Tennant
Howington	Vint
Isaacks	Voigt
Johnson of Ellis	Waggoner
Johnson of Tarrant	Westbrook
Keith	Wilson
Kern	Wood

Nays—59

Allison	Davis of Upshur
Alsup	Derden
Bailey	Dickson
Bell	Dwyer
Bond	Felty
Boyd	Ferguson
Boyer	Fuchs
Broadfoot	Galbreath
Brown of Cherokee	Hankamer
Brown	Hardeman
of Nacogdoches	Hardin
Burney	Harp
Coleman	Harrell of Bastrop
Cornett	Harrell of Lamar
Daniel	Heflin
Davis of Jasper	Howard

Hull	Pace
Hunt	Petsch
Kennedy	Pevehouse
Kinard	Pope
Lehman	Reed
Little	Riviere
Loggins	Segrist
London	Smith of Frio
McFarland	Stinson
McMurry	Taylor
McNamara	Thornton
Morris	Weldon
Newell	White
Nicholson	Wright

Present—Not Voting

Spencer

Absent

Anderson	Oliver
Blankenship	Ragsdale
Celaya	Reader of Bexar
Colson, Mrs.	Reaves
Corry	Schuenemann
Dean	Shell
Dickison	Thornberry
Goodman	Turner
McDonald	Vale
Monkhouse	Winfree

Absent—Excused

Cauthorn	Leyendecker
Dowell	Wells
Harris	Worley

The Speaker announced that the motion to table prevailed.

Question — Shall the committee amendment be adopted?

EXTENDING INVITATION

Mr. Kinard offered the following resolution:

H. S. R. No. 209, Extending invitation to the Perricone Quadruplets.

Whereas, The Stork, in its infinite wisdom, bestowed upon the State of Texas, the City of Beaumont, and, more especially, the Perricone family, the world's only known male quadruplets; and

Whereas, The Perricone Quadruplets have conducted themselves in such a manner as to reflect credit to their State, to their community, and have brought to the home of the Perricone family of Beaumont, Texas, the understanding and great love and pride that only quadruplets can bring; and

Whereas, Robert L. Ripley has invited the Perricone Quadruplets to appear as guest artists on his program of this week; and

Whereas, Our distinguished citizens and their mother are now in the Capital City of the State of Texas, and it is fitting that the House of Representatives should do them honor as future leaders of this great, sovereign State; now, therefore, be it

Resolved, That the Perricone Quadruplets be invited to appear before the House of Representatives in Session at a time convenient to our distinguished visitors; and, be it further

Resolved, That the House of Representatives extend to the parents of the Perricone Quadruplets their heartiest congratulations, and extend to the quadruplets their best wishes for full, deep, rich, useful lives; and that the Chief Clerk of the House of Representatives be instructed to mail to the parents of the Perricone Quadruplets and the Perricone Quadruplets copies of this resolution.

KINARD,
RIVIERE,
NICHOLSON.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 5, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 39, Granting permission to Mrs. Lourene Woodruff to sue the State. (With amendment.)

H. C. R. No. 71, Memorializing the United States Congress to protect the cotton growers of the South.

Has passed

S. B. No. 57, A bill to be entitled "An Act amending Article 2237 of the Revised Statutes, by dispensing with bills of exception to action on written motions, and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act amending Article 827 of the Penal Code of the State of Texas, Revised Criminal Statutes of 1925, by adding new provision five so as to include junior college, college or university students, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 57, to the Committee on Judiciary.

Senate Bill No. 199, to the Committee on Judiciary.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. C. R. No. 71, Memorializing Congress to take action necessary to protect cotton growers of the South.

RECESS

Mr. Bond moved that the House recess until 2:30 o'clock p. m., today.

Mr. Loggins moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Bond prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by Mr. Thornton.

LEAVES OF ABSENCE GRANTED (By unanimous consent)

The following Members were granted leaves of absence on account of important business:

Mr. Keith for this afternoon and the balance of the week, on motion of Mr. Kennedy.

Mr. Baker of Grayson for this afternoon, on motion of Mr. Spencer.

Mr. Blankenship for the balance of the day, on motion of Mr. Bray.

Mr. Fielden for this afternoon, on motion of Mr. Allison.

Mr. Little for this afternoon, on motion of Mr. Boyer.

The following Member was granted leave of absence on account of illness:

Mr. Morris for the balance of the day, on motion of Mr. Mohrmann.

PRESENTATION OF PERRICONE
QUADRUPLETS

In accordance with the provisions of House Simple Resolution No. 209, extending an invitation to the Perricone Quadruplets to appear before the House, the Chair announced the appointment of the following committee to escort the visitors to the Speaker's stand: Messrs. Kinard, Riviere and Nicholson.

The quadruplets, having been escorted to the Speaker's stand, the Chair presented Mr. Kinard, who introduced Mr. Larry Fisher to the House.

Mr. Fisher then presented the Perricone Quadruplets.

MESSAGE FROM THE SENATE

Austin, Texas, April 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 123, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and defining the duties and powers of the Texas State Park Board in regard thereto, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. No. 32, Relative to the suspension of Joint Rules of the House and Senate.

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO SUSPEND CERTAIN JOINT
RULES

The Chair laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 32, To suspend certain Joint Rules.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Joint Rules prohibiting consideration of Senate bills in the Senate on House bill days be suspended from 7:30 p. m., on April 5th, 1939, until 1:00 a. m., April 6th, 1939.

The resolution was read second time, and was adopted by the following vote:

Yeas—119

Allen	Hale
Allison	Hamilton
Bailey	Hardeman
Baker	Hardin
of Fort Bend	Harp
Bell	Harper
Bond	Harrell of Bastrop
Boyd	Harrell of Lamar
Boyer	Heflin
Bradbury	Holland
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Coleman	Leonard
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Crossley	Mays
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McFarland
Dickison	McMurry
Dickson	McNamara
Donaghey	Mohrmann
Dwyer	Monkhouse
Felty	Montgomery
Ferguson	Morris
Galbreath	Newell
Gilmer	Nicholson
Goodman	Oliver
Gordon, Mrs.	Pace

Pevehouse	Spencer
Piner	Stoll
Pope	Talbert
Reader of Bexar	Tarwater
Reader of Erath	Taylor
Reaves	Tennant
Reed	Turner
Rhodes	Vale
Riviere	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Weldon
Schuenemann	Westbrook
Shell	White
Skiles	Wilson
Smith of Frio	Wood
Smith of Hopkins	Wright
Smith of Matagorda	

Absent

Alsup	Howard
Anderson	Petsch
Celaya	Ragsdale
Corry	Roach
Derden	Segrist
Faulkner	Stinson
Fuchs	Thornberry
Hankamer	Thornton
Hartzog	Winfree

Absent—Excused

Baker of Grayson	Keith
Blankenship	Leyendecker
Cauthorn	Little
Dowell	Wells
Fielden	Worley
Harris	

SENATE BILL NO. 135 ON PAS-
SAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 135, relative to regulating all life, health, and accident assessment insurance companies or associations or burial societies, etc., on its passage to third reading.

The bill having heretofore been read second time, with committee amendment by Mr. Heflin, pending.

Mr. Boyer moved to reconsider the vote by which the amendment by Mr. Hardin, which related to Section 23, was, on this morning, adopted.

The motion to reconsider prevailed.

Question—Shall the amendment by Mr. Hardin be adopted?

Mr. Bond offered the following substitute for the amendment by Mr. Hardin:

Amend committee amendment No. 1, Senate Bill No. 135, by striking out Section 24, and inserting in lieu thereof, the following:

“Section 24. Benefits payable in cash or in merchandise and service.

Such burial associations shall pay their benefits in cash or in service and merchandise subject to the provisions of this Act; and provide, however, the certificates of such burial associations shall provide on its face whether the benefits are to be paid in cash or in merchandise and service.

Each burial association certificate, if payable in merchandise and service, shall further specifically provide the maximum cost of the services and benefits agreed to be furnished thereunder on the face of the policy.”

Mr. Baker of Fort Bend moved the previous question, on the pending amendments, and the passage of Senate Bill No. 135 to third reading, and the motion was not seconded.

(Mr. Leonard in the Chair.)

Mr. Kersey moved to table the substitute amendment by Mr. Bond.

(Speaker in the Chair.)

Question recurring on the motion to table the substitute amendment by Mr. Bond, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 56; Nays, 53.

A verification of the vote was requested.

Mr. Kersey moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the “yeas” and “nays” was again called, and the verified vote resulted, as follows:

Yeas—57

Allen	Daniel
Allison	Davis of Upshur
Baker	Dickson
of Fort Bend	Faulkner
Bell	Gordon, Mrs.
Boyd	Hale
Bradbury	Hamilton
Bradford	Harper
Bray	Holland
Bundy	Isaacks
Clark	Johnson of Ellis
Cleveland	Kern
Cockrell	Kerr
Colquitt	Kersey
Crossley	Langdon

Mays	Robinson
McAlister	Russell
McDaniel	Segrist
McFarland	Skiles
Mohrmann	Smith of Hopkins
Monkhouse	Smith
Montgomery	of Matagorda
Newell	Stoll
Piner	Tennant
Reader of Bexar	Thornberry
Reader of Erath	Vint
Reaves	Voigt
Riviere	Waggoner
Roach	Wilson
Roberts	

Nays—53

Alsup	Hunt
Bailey	Kennedy
Baker of Grayson	Lehman
Bond	Lock
Boyer	Loggins
Broadfoot	London
Brown of Cherokee	McMurry
Brown	McNamara
of Nacogdoches	Nicholson
Chambers	Oliver
Coleman	Pace
Cornett	Petsch
Davis of Jasper	Pevehouse
Derden	Pope
Dickison	Reed
Ferguson	Rhodes
Fuchs	Spencer
Galbreath	Stinson
Gilmer	Tarwater
Hardeman	Taylor
Hardin	Thornton
Harp	Turner
Harrell of Bastrop	Vale
Harrell of Lamar	Weldon
Heflin	Westbrook
Howington	Wood
Hull	Wright

Absent

Anderson	Howard
Bridgers	Johnson of Tarrant
Burkett	Kinard
Burney	King
Celaya	Leonard
Colson, Mrs.	McDonald
Corry	Ragsdale
Dean	Schuenemann
Donaghey	Shell
Dwyer	Smith of Frio
Felty	Talbert
Goodman	White
Hankamer	Winfree
Hartzog	

Absent—Excused

Blankenship	Fielden
Cauthorn	Harris
Dowell	Keith

Leyendecker	Wells
Little	Worley
Morris	

The Speaker announced that the motion to table prevailed.

Mr. Boyer offered the following substitute for the amendment by Mr. Hardin:

Amend committee amendment to Senate Bill No. 135, by striking out Section 23, and inserting in lieu thereof, the following:

"Section 23. Burial Associations. Any licensed undertaker who has been operating as such in this State for two (2) years next preceding such organization may organize an association to be known as 'Burial Associations'. Such burial associations shall be organized under the provisions of Chapter 274, Acts of the Forty-first Legislature, and amendments thereto, as well as the provisions of this Act.

Provided that such burial associations shall issue no policy in excess of One Hundred and Fifty (\$150.00) Dollars in services and benefits."

BOYER,
GILMER.

The substitute amendment by Mr. Boyer was adopted.

Mr. Baker of Fort Bend moved to table the amendment by Mr. Hardin, as substituted.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Allen	Davis of Jasper
Allison	Derden
Baker	Donaghey
of Fort Bend	Faulkner
Bell	Fuchs
Boyd	Gordon, Mrs.
Bradbury	Hamilton
Bradford	Hunt
Bray	Isaacks
Bridgers	Johnson of Ellis
Bundy	Johnson of Tarrant
Burkett	Kern
Burney	Kerr
Celaya	Kersey
Cleveland	Kinard
Cockrell	King
Coleman	Langdon
Colquitt	Mays
Crossley	McAlister
Daniel	McDonald

Mohrmann	Skiles
Monkhouse	Smith of Hopkins
Montgomery	Smith
Oliver	of Matagorda
Reader of Bexar	Stoll
Reader of Erath	Talbert
Reaves	Tennant
Rhodes	Thornberry
Riviere	Vint
Roach	Voigt
Roberts	Waggoner
Robinson	White
Russell	Wilson

Nays—50

Alsup	Lehman
Bailey	Lock
Baker of Grayson	London
Bond	McDaniel
Boyer	McNamara
Broadfoot	Newell
Brown of Cherokee	Nicholson
Brown	Pace
of Nacogdoches	Petsch
Cornett	Pevehouse
Davis of Upshur	Piner
Dickson	Pope
Ferguson	Reed
Galbreath	Schuenemann
Gilmer	Spencer
Hale	Stinson
Hardeman	Tarwater
Hardin	Taylor
Harp	Thornton
Harrell of Bastrop	Turner
Harrell of Lamar	Weldon
Heflin	Westbrook
Howard	Winfree
Howington	Wood
Hull	Wright
Kennedy	

Absent

Anderson	Hartzog
Chambers	Holland
Clark	Leonard
Colson, Mrs.	Loggins
Corry	McFarland
Dean	McMurry
Dickison	Ragsdale
Dwyer	Segrist
Felty	Shell
Goodman	Smith of Frio
Hankamer	Vale
Harper	

Absent—Excused

Blankenship	Leyendecker
Cauthorn	Little
Dowell	Morris
Fielden	Wells
Harris	Worley
Keith	

Mr. Reed offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 135, by adding a new Section to be known as Section 24-A:

"Section 24-A. No provision of this Act shall affect any person or persons, lodge, fraternal society, association, corporation or group of individuals who are organized or may organize in any manner whatsoever to do collective bargaining by entering into any agreement or contract with any person, firm, association or corporation whereby said groups of individuals may, by reason of said agreement or contract, buy any kind of service or material, or both at benefit to said group or groups of individuals, and all laws in conflict therewith are hereby inoperative."

REED,
VALE,
HARDIN,
MAYS,
STINSON,
PETSCH,
COLQUITT,
WORLEY,
McDANIEL,
SEGRIST,
WELLS,
WOOD.

Mr. Kersey moved the previous question, on the pending amendments, and the passage of Senate Bill No. 135 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

(Pending consideration of the amendment, Mr. Wood occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question—Shall the amendment by Mr. Reed be adopted?

HOUSE CONCURRENT RESOLUTION NO. 39 WITH SENATE AMENDMENTS

Mr. Schuenemann called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 39, To grant Mrs. Lourene Woodruff permission to sue the State.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. Schuenemann, the House concurred in the Senate amendments.

MESSAGE FROM THE SENATE

Austin, Texas, April 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the Judicial Department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 123, to the Committee on Appropriations.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Davis of Jasper:

H. B. No. 940, A bill to be entitled "An Act authorizing County Commissioners Courts in all counties having a population of not less than seventeen thousand (17,000) and not more

than seventeen thousand, two hundred (17,200), according to the last Federal Census, or any subsequent Federal Census, to levy an annual ad valorem tax not exceeding ten cents (10c) on the One Hundred (\$100.00) Dollar valuation of all property in such counties; said tax to be credited to the Public Improvement Fund of such counties, and to be in addition to the tax now levied for such fund; providing mode and manner of disbursing said fund; making said law cumulative of all laws now in effect in such counties with reference to levying taxes, and declaring an emergency."

Referred to the Committee on Counties.

Mrs. Colson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 941.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mrs. Colson, Mr. Loggins, Mr. Daniel and Mr. Wright:

H. B. No. 941, A bill to be entitled "An Act to amend House Bill No. 832, Chapter 426, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10A, 10B, 10C, 10D, 10E, and 10F, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America or any of its agencies and/or others, to aid in securing funds to make investigations and in acquiring the necessary lands, leases, easements and/or acquitances, public structures and reservoirs suitable for the control of flood waters for the San Jacinto Watersheds declared to be a public calamity; authorizing the District to issue negotiable revenue bonds; provide that the District shall not mortgage or otherwise encumber any of its properties, other than its revenues; providing how the District may acquire lands, leases, easements, properties and power and right of eminent domain; granting additional powers under said Act, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

Mr. Leonard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 943.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard, Mr. Celaya and Mr. Vale:

H. B. No. 943, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 6, 12, 21, 22, and to repeal Sections 5, 7, 14 and 18, of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being House Bill No. 99 of the Acts of the Forty-fifth Legislature as amended by Senate Bill No. 24 of the Acts of the First Called Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to the Committee on Agriculture.

Mr. Newell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 942.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Newell, Mr. Hull, Mr. Davis of Upshur, Mr. Allison and Mr. Roach:

H. B. No. 942, A bill to be entitled "An Act amending Article 5527 of Title 91 of the Revised Civil Statutes of 1925; prescribing limitations on certain causes of action; stating when suits may be brought on certain causes; repealing all laws and parts of laws in conflict therewith; and especially repealing Section 4 of Article 5526, Title 91, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

Mr. Hartzog asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 944.

There was no objection.

The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Hartzog and Mr. Pope:

H. B. No. 944, A bill to be entitled "An Act to amend Section 2, Acts, 1929, Forty-first Legislature, First Called Session, page 196, Chapter 78, as the same was amendatory of Section 4, Acts, 1927, Fortieth Legislature, page 399, Chapter 270, so as to further authorize and empower the Railroad Commission of Texas to regulate stations, terminals or depots operated by a motor bus company or companies and to provide for the establishment of union bus terminals, stations or depots by a requirement for the construction, acquisition, operation and maintenance of union terminals and joint facilities; declaring a public policy; imposing certain mandatory duties and obligations upon the Railroad Commission; authorizing said Commission to supervise, control and regulate the terminals of all motor bus companies and to make rules and regulations with respect thereto; making certain requirement with reference to the operation of such station; prevent discrimination between routes and motor bus companies in the operation of such stations; requiring notice to motor bus companies before the adoption of such rules and regulations; requiring the establishment or the construction and the establishment and maintenance or construction and maintenance of union passenger depots when demanded by the public interest; requiring the Commission to specify certain requirements of such union depots or terminals; to apportion the costs of acquisition or construction or to apportion the costs of maintaining and operating such union depots where the companies do not agree on such apportionment; providing for notices and hearings; providing for appeals; providing penalties, containing a saving clause, and declaring an emergency."

Referred to the Committee on Common Carriers.

ADJOURNMENT

On motion of Mr. Leonard, the House, at 5:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Agriculture: House Bill No. 943.

Judicial Districts: House Bill No. 715.

Judiciary: House Bills Nos. 864 and 865; Senate Bill No. 70.

Liquor Traffic: House Bill No. 912.

State Affairs: House Bills Nos. 344, 669 and 810; Senate Bill No. 346.

Conservation and Reclamation: Senate Bill No. 303.

Education: House Bill No. 893; Senate Bill No. 117.

Constitutional Amendments: Senate Joint Resolution No. 4.

The Committee on Judiciary filed an adverse report on House Bill No. 232.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 1, Proposing to amend the Constitution of the State of Texas by adding a new Section to be known as Section 30-b of Article 16 of the Constitution providing four-year terms of office for all precinct, county, district and State offices at elections to be held in 1940; amending Sections 1 and 2 of Article 4 of the Constitution of the State of Texas; providing method of financing alternate primaries; providing for elections by home rule and incorporated cities and towns to hold elections regarding four-year terms for city officials; providing for elections on two (2) questions of adoption or rejection of said amendments, and making an appropriation therefor.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 2, Proposing an amendment to Article 16, Section 49 of the Constitution of the State of Texas, by adding thereto a new Section to be known as Section 49a; Providing that household furniture of a family shall be protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon or for the work and material used in the construction or repair thereof when such work or material are contracted for in writing with the consent of the wife or husband in the same manner as is required in making a sale and a conveyance of the homestead; and providing further that if the owner thereof, if a married man, shall not sell such household furniture without the consent of the wife given in such manner as may be prescribed by law; and providing further that no mortgage, trust deed, or other lien on household furniture shall ever be valid, except for the purchase money therefor, or repairs made thereon, whether such mortgage, trust deed, or other lien shall have been created by the husband alone or together with his wife, and providing further that all pretended sales of household furniture involving any condition of defeasance shall be void; providing for the necessary proclamation and appropriate funds to defray the expenses of the proclamation, publication, and election.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas, to be known as Section 30b of Article 16, providing that the Legislature may enact laws creating Civil Service for State, county and municipal employees, providing rules and regulations there-

for, and further providing that the limitation of the duration of office to two (2) years shall not apply to State, county or municipal Civil Service employees.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 71, Memorializing the United States Congress to take action necessary to protect the cotton growers of the South.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

April 5, 1939

House Concurrent Resolution No. 71.

FIFTIETH DAY

(Thursday, April 6, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Brown
Allen	of Nacogdoches
Allison	Bundy
Alsup	Burkett
Anderson	Burney
Bailey	Cauthorn
Baker	Celaya
of Fort Bend	Chambers
Baker of Grayson	Clark
Bell	Cleveland
Blankenship	Cockrell
Bond	Coleman
Boyd	Colquitt
Boyer	Colson, Mrs.
Bradbury	Cornett
Bradford	Corry
Bray	Crossley
Bridgers	Daniel
Broadfoot	Davis of Jasper
Brown of Cherokee	Davis of Upshur

Dean	McNamara
Derden	Mohrmann
Dickison	Montgomery
Dickson	Morris
Donaghey	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pace
Fielden	Pevehouse
Fuchs	Piner
Galbreath	Pope
Gilmer	Ragsdale
Goodman	Reader of Bexar
Gordon, Mrs.	Reader of Erath
Hale	Reaves
Hamilton	Reed
Hankamer	Rhodes
Hardeman	Riviere
Hardin	Roach
Harp	Roberts
Harper	Robinson
Harrell of Bastrop	Russell
Harrell of Lamar	Schuenemann
Hartzog	Segrist
Heflin	Shell
Holland	Skiles
Howard	Smith of Frio
Howington	Smith of Hopkins
Hull	Smith
Hunt	of Matagorda
Isaacks	Spencer
Johnson of Ellis	Stinson
Johnson of Tarrant	Stoll
Kennedy	Talbert
Kern	Tarwater
Kerr	Taylor
Kersey	Tennant
Kinard	Thornberry
King	Thornton
Langdon	Turner
Lehman	Vale
Leonard	Vint
Little	Voigt
Lock	Waggoner
Loggins	Weldon
London	Westbrook
Mays	White
McAlister	Wilson
McDaniel	Winfree
McDonald	Wood
McFarland	Wright
McMurry	

Absent

Dwyer Monkhouse

Absent—Excused

Dowell	Petsch
Harris	Wells
Keith	Worley
Leyendecker	

A quorum was announced present.